

Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RUBEN PAZ GOMEZ,

Petitioner,

v.

YANISLEIDY REYES GONZALEZ,

Respondent.

Case No. 3:24-cv-5645-KKE

PRETRIAL ORDER

JURISDICTION

Jurisdiction is vested in this court by virtue of to the Convention on the Civil Aspects of International Child Abduction as well as the additional procedures set forth in the International Child Abduction Remedies Act (“ICARA”), 22 U. S. C. 9001 et seq. The federal court is granted concurrent, original jurisdiction over Hague cases to both federal and state courts at 22 U.S.C. 9003(a).

The Western District of Washington is the proper venue for Petitioner’s case because the minor child is presently found in Tacoma, Washington, 22 U.S.C. 9003(b).

Respondent was personally served with the Summons and Verified Petition on September 4, 2024. Proof of Service is on file with the court at Dkt# 14.

CLAIMS AND DEFENSES

The Petitioner will pursue at trial the following claims:

1. Claim for the Return of Child:
2. Claim for court costs, legal fees, transportation costs and all other costs associated with Petition for Return:

The Respondent will pursue the following affirmative defenses: lack of habitual residence and grave danger if forced to return to Mexico.

ADMITTED FACTS

The following facts are admitted by the parties:

1. A.C.P.R. was born in Cuba on July 4, 2017.
2. Respondent is A.C.P.R.'s mother.
3. Petitioner is A.C.P.R.'s father.
4. A.C.P.R. lived in Cuba until March 23, 2020.
5. A.C.P.R. was in Mexico from March 23, 2020 to August 13, 2023.
6. A.C.P.R. moved to the United States in August 2023.
7. The Parties were never married.
8. The Parties have no written custody agreement with respect to A.C.P.R.

ISSUES OF LAW

1. Whether Petitioner proved by a preponderance of the evidence that A.C.P.R. has a habitual residence in Mexico,
2. Whether Petitioner proved by a preponderance of the evidence that Respondent wrongfully removed A.C.P.R. from Mexico and retained A.C.P.R. in the United States;

3. Whether Respondent proved by clear and convincing evidence her defense that there is a grave risk of physical or psychological harm to A.C.P.R. should she be returned to Mexico.

4. Whether A.C.P.R. should be returned to Mexico;

5. Whether Respondent should be ordered to pay Petitioner's legal fees & costs, and cost of transportation and expenses incurred in securing A.C.P.R.'s return to Mexico.

EXPERT WITNESSES

Neither party intends to offer expert witnesses.

OTHER WITNESSES

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

(a) On behalf of Petitioner:

1. Ruben Paz Gomez- will testify re: all issues, i.e., exercise of custodial rights, habitual residence of A.C.P.R., rebuttal re: Respondent's defenses
2. Azucena Paz Gomez- Petitioner's sister: will testify re: all issues including Petitioner's exercise of custodial rights, habitual residence of A.C.P.R., rebuttal re: Respondent's defenses
3. Carlos Israel Villanueva Quevedo: next door neighbor, will testify re: relevant issues, i.e., Petitioner's exercise of custodial rights, habitual residence of A.C.P.R., rebuttal re: Respondent's defenses
4. Carolina Castellanos Mejia: Long time family friend & parent of A.C.P.R.'s classmate will testify re: relevant issues; Petitioner's exercise of custodial rights, habitual residence of A.C.P.R., rebuttal re: Respondent's defenses
5. Ezequiel González Valencia: Rebuttal witness if necessary
6. Yanisleidy Reyes Gonzalez: Hostile Witness

(b) On behalf of Respondent:

1. Yanisleidy Reyes Gonzalez, email: yanisleidyreyes59@gmail.com; will testify as to Petitioner's abuse, neglect, and abandonment of A.C.P.R. and herself;

2. Yamile Reyes Gonzalez, phone: +53 5 2892597; will testify as to Petitioner's abuse, neglect, and abandonment of A.C.P.R. and Respondent;

3. Yamilka Caballero, phone: +53 5 4066985; will testify as to Petitioner's abuse, neglect, and abandonment of A.C.P.R. and Respondent;

4. Carlos Alejandro Perez Ginebra, phone: 3862050653; will testify as to Petitioner's eviction of A.C.P.R. and Respondent from Petitioner's mother's home.

5. Petitioner Ruben Paz Gonzalez; adverse witness.

EXHIBITS

Petitioner's Exhibits					
Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
1	Hague Application by Ruben Paz Gomez	Stipulated	Stipulated	None	
2	Verified Petition for Return dated August 6, 2024	Stipulated	Stipulated	None	
3	Civil Code for the Federal District, Title Eight of Parental Authority	Stipulated	Disputed	402; 403; E; F	
4	Birth Certificate for Ruben Paz Gomez w/ English translation only	Stipulated	Disputed	402; 403	
5	A.C.P.R.'s Mexican birth certificate with English translation only	Stipulated	Disputed	402; 403	
6	Yanisleidy Reyes Gonzalez's Mexican Visa dated September 30, 2019	Stipulated	Disputed	402; 403; 602	
7	Yanisleidy Reyes's Temporary Residence Card & C.U.R.P.	Stipulated	Disputed	402; 403; 602	

	issued March 23, 2020				
8	A.C.P.R.'s school enrollment: Adela Osorio Granados 2020-2021 school year	Disputed	Disputed	402; 403; F	
9	A.C.P.R.'s 2022-2023 school registration at Adela Osorio Granados	Disputed	Disputed	402; 403; F	
10	A.C.P.R.'s Certificate Completion of Preschool, July 26, 2023	Disputed	Disputed	402; 403; F	
11	Verification of School Selection on 2/1/2023 and 2023-2024 School Assignment 6/7/2023	Disputed	Disputed	402; 403; F	
12	Photos depicting ACPR and family – 17 pgs	Disputed	Disputed	402; 403; F	
13	Photos of Receipts for money transfers to Ms Reyes by Mr Paz	Disputed	Disputed	402; 403; F	
14	Facebook photo ACPR posted by Ms. Yamile Reyes dated August 15, 2023	Disputed	Disputed	402; 403; F	
15	Facebook photo ACPR posted by Y.Reyes at Hawthorne Elementary: Albuquerque	Disputed	Disputed	402; 403; F	
16	Voluntary Return Letter Acknowledgment by R. Paz dated November 14, 2023	Stipulated	Disputed	402; 403; F	
17	Facebook posts: Mt. Rainier & A.C.P.R.	Disputed	Disputed	402; 403; F	

	Birney school certificate				
18	Amber Alert for ACPR filed October 23, 2023 -English translation	Stipulated	Disputed	402; 403; F	
19	Respondent's Objections, Answers and Responses to Petitioner's Discovery Requests dated December 24, 2024	Stipulated	Stipulated	None	
20	ACPR's school records from Birney Elementary	Stipulated	Disputed	402; 403; F	
21	Drawing by ACPR dated June 3, 2023	Disputed	Disputed	402; 403; F	
22	Two heart drawings by ACPR dated June 2023	Disputed	Disputed	402; 403; F	
23	Drawing by ACPR dated July 5, 2023	Disputed	Disputed	402; 403; F	
24	Two Photos of Adrian Paz Gomez & 1 facebook post	Stipulated	Disputed	402; 403; F	
25	Federal I.D. for Ruben Paz Gomez	Stipulated	Disputed	402; 403; F	
26	Photos of Ruben Paz Gomez's home	Disputed	Disputed	402; 403; F	
27	Certificate of No Criminal Record	Stipulated	Disputed	402; 403; F	

Respondent's Exhibits					
Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
500	9/20/2023 Screenshot of Message from Petitioner - 0009		Disputed	No translation- Ruiz v Oliveira-untimely	
501	Photograph of April 2023 call log		Disputed	Lack of relevance, 402, lack of	

				foundation F, speculative	
502	Photo of April 2, 2023 text message		Disputed	No translation, Ruiz v Oliveira Untimely, Lack of foundation F, Irrelevant 402	
503	Photo of April 2, 2023 call log		Disputed	Irrelevant- 402 Lack of Foundation- F Speculative	
504	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira- Untimely- Lack of foundation- F, Irrelevant- 402; hearsay, 801, 802	
505	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely, Lack of foundation, F Irrelevant, 402, hearsay 801, 802	
506	Screenshot of messages between		Disputed	No translation-	

	Respondent and Yamile Reyes Gonzales			Ruiz v Oliveira-Untimely-Lack of foundation, F, Irrelevant, 402, hearsay, 801, 802	
507	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely-Lack of foundation, F Irrelevant, 402,hearsay, 801, 802	
508	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely-Lack of foundation, F Irrelevant. 402, hearsay, 801, 802	
509	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely-Lack of foundation, F, Irrelevant, 402,hearsay. 801, 802	

510	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely- Lack of foundation, F, Irrelevant, 402, hearsay, 801, 802	
511	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely- Lack of foundation, F Irrelevant , 402,hearsay, 801, 802	
512	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely- Lack of foundation, F Irrelevant, 402, hearsay, 801, 802	
513	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely- Lack of foundation, F, Irrelevant, 402,	

				hearsay, 801, 802	
514	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely- Lack of foundation, F, Irrelevant. 402,hearsay, 801, 802	
515	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely- Lack of foundation, F, Irrelevant ,402, hearsay 801, 802	
516	Screenshot of messages between Respondent and Yamile Reyes Gonzales		Disputed	No translation- Ruiz v Oliveira Untimely- Lack of foundation, F, Irrelevant, 402, hearsay, 801, 802	
517	Declaration of Yamile Reyes		Disputed	Hearsay, 801, 802 Lack of foundation, F	
518	Cuban authorization to travel form		Disputed	Irrelevant, 402,	

				Lack of foundation, F, 403, Waste of time, confusing, prejudice outweighs benefit	
519	Cuban passport of A.C.P.R.		Disputed	No translation- Ruiz v Oliveira Irrelevant, 402, Lack of Foundation, F	
52-	Notes from 11/14/2024 appointment		Disputed	Hearsay, 801, 802 Incomplete Self-serving. Prejudice outweighs benefit, 403	
521	Notes from 12/03/2024 appointment		Disputed	Hearsay, 801, 802 Incomplete Self-serving, Prejudice outweighs benefit. 403	
522	Notes from 12/31/2024 appointment		Disputed	Hearsay, 801, 802 Incomplete Self-serving, Prejudice outweighs benefit, 403	

ACTION BY THE COURT

- (a) This case is scheduled for evidentiary hearing on February 10–12, 2025.
- (b) The Court has not ordered submission of trial briefs. Petitioner intends to file a trial brief over Respondent’s objection. Respondent objects on grounds that (1) the parties stipulated they would not submit pretrial statements (Dkt. 31); and (2) the Second Amended Scheduling Order did not set a deadline for filing trial briefs (Dkt. 38).

This joint statement has been approved by the parties as evidenced by the signatures of their counsel.

DATED this 11th day of February, 2025.



Kymerly K. Evanson
United States District Judge

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